



United States Attorney
Southern District of New York

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May 27, 2016

BY ECF

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Anthony Murgio et al.,
S2 15 Cr. 769 (AJN)

Dear Judge Nathan:

In a May 9 order, the Court requested the parties submit a joint letter by May 27 setting forth a briefing schedule for any disputed privilege claims. The Government respectfully writes, with the consent of counsel for the defendants referenced below, to inform the Court of the status of privilege-related discussions with these defendants and to request an adjournment of the deadline for a proposed privilege briefing schedule from the parties to June 24, 2016.

Anthony Murgio

Due to some technical complications in converting the approximately 5,000 potentially privileged emails into a Bates-stamped format, the Government was not able to produce the newly formatted documents to Anthony Murgio's counsel as quickly as it had anticipated. However, counsel for Anthony Murgio is now in the midst of reviewing these documents to assess for privilege, and the parties anticipate that this review will be complete by approximately June 3. Given the volume of documents and the potential for disagreement on privilege, the parties plan to meet and confer to narrow the scope of contested privilege claims. The parties expect that by June 24 they will have determined the universe, if any, of privilege claims to be litigated, and will then be able to request a realistic briefing schedule to resolve those issues.

Trevon Gross

The parties have already run a set of search terms through Trevon Gross's emails and narrowed the universe of potentially privileged documents to approximately 700. They are now in the process of reviewing those documents to determine whether any involve attorney-client or clergy-penitent privilege. The parties do not anticipate litigation will be necessary to resolve these issues, but will be prepared by June 24 to either confirm this or set a schedule for resolving

any privilege disputes that have arisen.

Michael Murgio

The Government obtained approximately 56,000 documents from a search warrant executed on Michael Murgio's email account. Based on initial sets of search terms, the parties have identified approximately 11,000 potentially privileged documents, but believe this figure is likely vastly overinclusive. The parties are therefore continuing to narrow the universe through additional targeted search terms, and will then meet and confer to discuss an appropriate method for assessing the remaining documents and resolving any disputed privilege claims. The parties believe that by June 24 they will be prepared to set a briefing schedule for any issues that cannot be resolved through the meet and confer process.

* * *

The parties have been working in good faith to identify potentially privileged documents. However, due to the volume of documents and the need in some cases to run multiple keyword searches to appropriately narrow the universe for review, the parties are not yet in a position to accurately assess the likelihood or scope of potential litigation. The parties therefore respectfully request the court extend the deadline for proposing a briefing schedule to June 24, 2016, in order to allow the parties to continue their review of the documents and to meet and confer before turning to litigation.

Respectfully submitted,

PREET BHARARA
United States Attorney

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cc: All Counsel (via ECF)